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New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

In the absence of the President, Mr. Abani (Niger), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/63/677)

Mr. Mayr-Harting (Austria): First of all, I would like to thank the Secretary-General for the presentation of his report on the implementation of the responsibility to protect (A/63/677) to the General Assembly on Tuesday. I would like to recall the Secretary-General's words to the effect that this debate is first and foremost about the character of the United Nations and the future of humankind. Let me also thank the Special Adviser to the Secretary-General, Mr. Edward Luck, for all his work in this context. We fully align ourselves with the statement delivered by the representative of Sweden on behalf of the European Union.

The main aim of the responsibility to protect (R2P) is to protect civilian populations from genocide and other mass atrocities, based on the clear understanding that the sovereignty of States implies important responsibilities. Austria was and is a strong advocate for the inclusion of R2P into the World Summit Outcome (resolution 60/1) by world leaders in 2005. Based on a broad consensus, this decision sent an important and universal message on the need to protect the populations of the world from genocide, war crimes, ethnic cleansing and crimes against humanity, as well as from the incitement to such crimes. This call was an unprecedented step towards ensuring that the atrocities of the past will not be repeated.

Let me underline that the primary responsibility for the implementation of R2P rests with each and every individual State. The international community's role in assisting States to live up to their responsibility is of a supplementary nature. The need to take appropriate collective measures in full accordance with the Charter of the United Nations arises only in cases of manifest failure of a State to protect its population from the perpetration of core international crimes.

Austria welcomes the Secretary-General's report. It provides a clear framework for the implementation of the responsibility to protect, as defined in the Outcome Document, and an excellent basis for further discussion. The report makes clear that the three pillars of the report — the protection responsibilities of the State, international assistance and capacity-building, and timely and decisive response — are all based on existing international law and in particular on the Charter of the United Nations. They are of equal importance, and at the same time there is no automatism and no necessary sequencing between one and the other.

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Today, I would like to focus on the key task of ensuring that States and the international community live up to their obligations under the responsibility to protect. When it comes to putting the concept of R2P into practice, Austria believes that particular attention must be given to preventing situations from escalating, through early warning and capacity-building.

We welcome the reference in the Secretary-General's report to the role of the rule of law, which constitutes a long-standing focus of Austria's work in the United Nations. I quote from the report:

> "The rule of law is fundamental to preventing the perpetration of crimes relating to the responsibility to protect. The United Nations system, including through the engagement of donor countries, should increase the rule of law assistance it offers to Member States. The goals should be to ensure equal access to justice and to improve judicial, prosecutorial, penal and law enforcement services for all. Such steps would make it more likely that disputes within society could be resolved through legal, rather than violent, means" (*A/63/677, para. 47*).

The rule of law is of specific importance with regard to the stabilization of post-conflict societies in order to prevent the re-emergence of conflicts and to build a sustainable peace. Furthermore, it is an essential element in the fight against impunity and to re-establish the trust of the population in its institutions. Thus, it is important to address R2P from a rule-of-law perspective as a cross-cutting issue for each of the three pillars.

It is crucial that the United Nations, through the Rule of Law Coordination and Resource Group and the Rule of Law Unit, further intensify its efforts to strengthen coordination and cooperation among the numerous United Nations rule of law actors, such as the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the United Nations Development Programme. The Group of Friends of the Rule of Law, of which Austria is honoured to serve as coordinator, will be happy to assist the United Nations in such efforts.

From 14 to 16 June this year, Austria, jointly with the International Peace Institute, organized a seminar in Vienna under the theme "The role of the Security Council and the responsibility to protect: policy, process and practice". Experts and practitioners from various regions and organizations explored the role and the contribution's of the Security Council in preventing the four crimes covered by the concept of R2P and in improving the situation of populations affected by armed conflict. At the same time, Austria fully agrees that the General Assembly, as the forum for seeking common ground, should continue to have a key role in the ongoing process of operationalizing the concept.

Regarding next steps, Austria fully endorses the proposal of the European Union that the Secretary-General continue to keep the General Assembly informed about the implementation of R2P. We must ensure, through continuous commitment, that we all take our responsibilities seriously. The key challenge is for States and the international community to live up to their obligations under R2P. The Secretary-General's report sets out the tools available to the international community to assist States in that regard.

Building upon the broad consensus achieved in 2005, we stand ready to work for a future in which full compliance with the responsibility to protect also reflects the reality on the ground. R2P is a Charter-based concept that deserves to be operationalized and implemented. Our focus in this endeavour must be on saving lives through timely and decisive action taken at the national, regional and international levels.

Mr. Haroon (Pakistan): We thank the President of the General Assembly for convening this thematic debate on the responsibility to protect (R2P) and the Secretary-General for presenting his report (A/63/677).

This is the first time since the adoption of the 2005 World Summit Outcome (resolution 60/1) that we, the States Members of the United Nations, have debated the concept of the responsibility to protect. In the past, such debates, calling for conflict resolution, peacebuilding and an effective role for the United Nations and the rest of the international community, have been convened in reaction to unfortunate tragedies of the scale of those in Rwanda and Srebrenica. These will be mentioned time and again in my speech as important points of reference.

Although our world is faced with challenges of magnitude, mercifully, this debate has not been triggered by an event of such scale and instead is the result of a process to discuss the concept of R2P, which

needs to be delicately dealt with, requires transparency and must take all Member States on board.

In this discussion, we are guided by paragraphs 138 and 139 of the 2005 World Summit Outcome, which remain our yardstick for discussions on the concept of the responsibility to protect. The following elements are important to my delegation. We do not disagree about the necessity to protect innocent civilians. However, it must be made clear that the scope of the concept of R2P is restricted to "responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (*resolution 60/1, para. 138*). I would add that anything beyond this should not be considered.

It should be recognized that this responsibility rests, first and foremost, with the individual State in which those affected live. The sovereignty of the State must remain an overarching principle of current international relations. R2P should not become a basis either for contravening the principles of non-interference and non-intervention or for questioning the national sovereignty and territorial integrity of any State.

The international community's responsibility in the event of a situation involving R2P should be to provide "appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter" (*Ibid., para. 139*).

R2P must be dealt with on a case-by-case basis, as appropriate. It must not be a norm, but an exception to the case "should peaceful means be inadequate and national authorities are manifestly failing to protect their populations" (*Ibid.*) from the four specified situations.

In a world of sharply increasing socio-economic inequities, State-building and State-strengthening continue to depend on socio-economic development. Situations involving the responsibility to protect are, more often than not, results of underdevelopment and poverty, which need to be addressed through capacity-building within the development framework. Our commitment must be to helping States build the capacity to protect their populations, which remains the best protection for us.

A comprehensive approach, starting with conflict prevention and the utilization of all existing mechanisms in the United Nations system, is required to prevent, in an effective and comprehensive manner, the occurrence of the four grave situations. The existing mechanisms of the genocide Convention, the Geneva Conventions, humanitarian law, the International Court of Justice and the International Criminal Court, as well as the existing mandates of the Security Council, the Economic and Social Council and the Human Rights Council, can be effectively utilized to prevent the four grave situations from occurring.

The report of the Secretary-General has stimulated the discussion on the concept of R2P. At this stage, ours is essentially a work in progress — nothing more than that. Let me therefore share with members some food for thought.

First, there must be consistency of language and expression, which would help in furthering the concept of R2P. For example, while the report rightfully acknowledges the genocide in Rwanda, the tragedy of Srebrenica — which was described as genocide by the International Criminal Tribunal for the Former Yugoslavia — is described only in terms of "mass killings".

Secondly, the Secretary-General's forthcoming proposal on strengthening the early warning capacity of the United Nations will be critical in moving this discussion forward. Here, it would be important to add that, in the case of Rwanda, while the forces that were there on the ground packed their bags and left their compounds in a hurry, somehow the early warning bells did not go off in the United Nations. Until the massacre, which took place much later, actually happened, nothing was done. Neither the Security Council nor the membership were approached. It is a shame to have to mention here that, after that, all the files on that particular incident in Rwanda were lost by the United Nations and have not been found since.

We must therefore be very careful that the early warning capacity will be utilized sincerely. We need to evaluate the accountability factor and the cost of false alarms; how to address the trust deficit against the background of historical injustices, including foreign occupation; and how to agree on the level of the threshold requiring R2P.

R2P shall be a delicately defined process, and in order to prevent any misunderstanding or misuse of the concept as a tool to pressure or interfere in the internal affairs of a sovereign State, the continuous use of

double standards and selective approaches to different conflicts in the world, including situations of foreign occupation, would have to be systematically rectified to remove the doubts about the implementation of R2P.

While we look forward to further debating the concept of R2P in the General Assembly, now and later, I would like to present a few points to this Assembly.

First, ultimately, it boils down to a very simple point, which is that discretion will be the ultimate factor that will decide the application of R2P as far as this stage of the document is concerned. I would like to sound a note of caution. There is a brilliant history of lack of trust in this Organization that is being overlooked while the creation of this discretion is being put forward to the membership. We are peeling away years of protection that we have found ourselves under, which were very sagaciously put there by people of great vision to protect this institution. We have started to peel that protection away with this particular segment.

If members have not noticed, let me point out that everyone agrees to pillars one and two. Yet, before I go on to pillar three, has anyone realized that none of the criteria that should be mandatory in pillars one and two specifically says that "you cannot go to three. This is the considered process of one and two, and you must slowly legitimize your access through it"?

I now come to pillar three. Pillar three was introduced 10 or 15 years ago under another name — the right of intervention. It is that and remains that. The Assembly voted vehemently against it. Today it has reappeared, albeit with a much larger spectre. I must say that Gareth Evans has done some great work in putting the concept together over many years.

The only thing is that this is, in a way, a return, because what are we debating here today? Pillars one and two? Nobody doubts that, but we must add clear criteria to that. It cannot be violated. Pillar three is the right of intervention, no matter how one looks at it or how one does not look at it.

I must say in this regard that, today, when we are squeezed financially, when the World Food Programme is cutting back and when we have not been able to raise adequate funds for crises throughout the world, where are we going to get the funding for pillars one and two to be properly adhered to? Prevention is better than cure, and we are not looking at prevention. Therefore, I think these matters need to be very ably discussed and standardized. We are not to overlook pillars one and two as a done deal and only look at three. One and two must become the solid pillars that will prevent anything from going wrong. In the end, I would say, in financial terms, pillars one and two must be substantiated, not just glossed over.

With that, I will merely add, the responses of the United Nations have never proved us to be great appreciators of the early warning system. We have always been there a trifle late, at the cost of many human lives. I think that, if pillar three is to be adopted by this Assembly, this early warning system should also be strongly substantiated so that we do not have anything go wrong.

Mr. Maurer (Switzerland) (*spoke in French*): Switzerland welcomes the efforts of the Secretary-General to operationalize the responsibility to protect on the basis of the consensus of September 2005. In that context, I would like to thank him for his presentation three days ago of the report before us (A/63/677). It is vital that we continue to ensure together that the notion of sovereignty as responsibility be translated into specific action that is measurable on the ground, with respect for human life and in accordance with the decision that we took four years ago to undertake this cause.

As the Secretary-General points out, the concept of the responsibility to protect is an ally of that of sovereignty. It therefore needs to be considered in the strict framework of paragraphs 138 and 139 of the 2005 World Summit Outcome (resolution 60/1) and on the basis of the narrow but deep approach proposed by the Secretary-General. This approach, which is enshrined in the United Nations Charter, is distinct from that of so-called humanitarian interventions, and we are committed to ensuring that this distinction will be clearly maintained.

The report under review today is an important instrument of political mobilization that enables each State and the international community as a whole to familiarize themselves with the instruments available to prevent mass atrocities. This catalogue should enable us to achieve greater coherence in our approach. It should also lead us to consider all the preventive and assistance measures available before using, as a last

resort, the measures set out in the third pillar to stop mass atrocities against civilian populations.

I would like to mention a number of aspects that may help us to continue our discussions about the responsibility to protect.

First, it is important to recall that the obligations of States with regard to international law exist independently of the emergence of a situation in which the concept of responsibility to protect may be relevant. These obligations cannot and must not be diluted. It should also be emphasized that although the concept covers numerous existing international law obligations, it remains a political concept and does not in itself constitute a new norm. Nor does it have the effect of releasing States from their conventional and customary law obligations with regard to human rights law, international humanitarian law and refugee law.

Secondly, a clear distinction needs to be maintained between the concept of the responsibility to protect and that of the protection of civilians. To that end, it is essential to define proactively the specific features of each concept and their field of application. For example, it should be stressed that the protection of civilians covers respect for the entire set of civilian rights, and not only international crimes covered by the responsibility to protect. The progress achieved in the area of protecting civilians is very significant and derived from humanitarian principles; it must be maintained and improved within this framework.

Thirdly, as we have already said, the instruments presented are for the most part well known. Still, what is lacking at this stage is reflection on what did not work when these instruments were used in the past. We know that the problem is not usually the lack of information; rather, it is the absence of political will at the right time that is at the heart of our past failures.

One important way to remedy this problem would be for the permanent members of the Security Council to pledge to refrain from using their veto in cases of genocide, crimes against humanity, ethnic cleansing and war crimes. Likewise, it is important that they help to strengthen achievements in the fight against impunity as part of a general policy of prevention. For its part, the General Assembly must continue to work towards the implementation of the responsibility to protect and mobilize the international community as a whole towards its implementation.

Finally, paragraph 50 of the report calls on the United Nations, in accordance with paragraph 139 of the Outcome Document, to carry out decisive collective action and not to follow arbitrary procedures. In this context, we will need to consider the most effective way of implementing the third pillar.

Several questions remain pending. What is the threshold of intervention for a timely and decisive response? Who has the competence to decide whether a situation constitutes genocide, a crime against humanity, ethnic cleansing or a war crime? We believe that Mr. Gareth Evans went to the heart of this issue yesterday morning when he said that it would not be just one level of jurisdiction but a multiplicity of efforts and institutions that should provide answers. In particular, how can the General Assembly and the Secretary-General offer solutions complementary to those of the Security Council or in the event of deadlock within the Council? In adopting resolution 377 (V), entitled "Uniting for peace", this Assembly assumed the authority to take collective measures in the area of maintenance of peace and security in cases where the Council is deadlocked. In such situations, it will be a matter of exercising this authority.

Another question is: How, in this context, can we strengthen the accountability of the Council? In this regard, we believe that following up on the recommendation contained in paragraph 62 of the report — that Member States consider the principles, rules and doctrine that should guide the application of coercive force in extreme situations relating to the concept — could contribute to this review process.

We should be inspired by the obligation not only to respect but also to ensure respect for international law so that humanity can continue to regard the United Nations as the best guarantor of international peace and security. The responsibility to protect affects the international community as a whole.

Mr. Benmehidi (Algeria) (*spoke in French*): At the outset, allow me to thank the President of the General Assembly for having convened yesterday's informal interactive dialogue on the responsibility to protect, as well as today's meeting. I would also like to thank the Secretary-General for his report on the ways of implementing this concept (A/63/677), which provides a good foundation for our discussion. Algeria aligns itself with the statement made yesterday by the

Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

Algeria honours its moral obligation to protect populations threatened with genocide, war crimes, crimes against humanity or ethnic cleansing in accordance with international law and the principles of the Charter of the United Nations and of the Constitutive Act of the African Union.

We note that international crimes covered by this concept generally take place in a context marked by extreme poverty, which is the breeding ground par excellence of fanaticism and violence not only when democracy and governance are lacking, but also when foreign manipulation of sociocultural realities is present.

Bearing in mind the unique character of each situation and the absence of a mechanism to establish a global strategy, we feel that operationalizing the responsibility to protect with its three pillars — the protection responsibilities of State, international assistance and capacity-building, and timely and decisive response — is part of a programme supported by the United Nations by resorting to existing mechanisms in respect for the provisions of the Charter, which provide a role for the General Assembly in the maintenance of international peace and security.

The responsibility of protecting populations against the four major crimes of genocide, war crimes, crimes against humanity and ethnic cleansing are at the heart of the African culture of peace. The African Union, taking as a central reference the protection of vulnerable populations, has set up a political framework and institutions that are aimed at protecting populations against these four international crimes. The many tools developed by the African Union and the New Partnership for Africa's Development demonstrate the commitment of African States to take responsibility. Prevention and rapid conflict resolution have a prime place among these tools.

In this regard, Algeria welcomed the 2006 creation of a United Nations specialized interdisciplinary programme to provide overall support for African peacekeeping capacities. We salute the efforts of the United Nations to strengthen the operational capacity of the African Peace and Security Council and its associated institutions, including the Panel of the Wise, the African Intervention Force and the Continental Early Warning System. We await with interest the conclusions of the joint working group of the United Nations Secretariat and the African Union Commission, following up on the report of the Prodi Commission.

With respect to prevention, which is a fundamental element of the responsibility to protect and long-term development, we support the recommendations contained in the Secretary-General's report stressing the crucial and decisive nature of the allocation of additional human and financial resources, to strengthening the capacity of regional and subregional organizations to prevent crimes and violations covered by the responsibility to protect.

Since paragraph 139 of the 2005 World Summit Outcome Document (resolution 60/1) gave the General Assembly the task of continuing to consider the notion of the responsibility to protect, my delegation is prepared to work constructively and with an open mind to that end, bearing in mind the recognized and undisputed principles of non-interference, non-intervention, respect for the territorial integrity and national sovereignty of States, as well as the principles and standards of international law and international humanitarian law.

As an African country, we will also be guided by article 4 (h) and (j) of the Constitutive Act of the African Union regarding the protection of those threatened with genocide and crimes against humanity.

In short, my delegation is ready to contribute to that exercise, based on the principle of non-indifference endorsed by Africa, while bearing in mind the political factors surrounding the decision-making process of the Security Council. Although the Council is the Charter organ mandated with the primary responsibility to maintain international peace and security, it has yet to demonstrate its capacity to respond in the timely and decisive manner required to situations involving the four recognized international crimes, as was very recently the case in Gaza.

Mr. Menon (Singapore): Let me first thank the President of the General Assembly for convening this debate, and the Secretary-General for his continuing commitment to the concept of the responsibility to protect (R2P).

I will not belabour the points already made so eloquently by my colleagues. Suffice it to say that, for my delegation, it is clear that, four years ago, our

leaders pledged their strong resolve to the notion of R2P. Certainly, that did not make R2P part of international law or a legally binding commitment, but the gap that the leaders acknowledged, and then resolved to tackle, is a real one. How can Member States, both individually and collectively, prevent recurrences of such crimes as genocide, ethnic cleansing and crimes against humanity?

Paragraphs 138 and 139 of the 2005 World Summit Outcome (resolution 60/1) represent our leaders' willingness to respond to that challenge. The General Assembly must fulfil that mandate. Certainly, there are many questions that need to be discussed and answered, as highlighted in the statement made by the representative of Egypt on behalf of the Non-Aligned Movement. Several of those issues have also been raised in the Secretary-General's report (A/63/677) and the concept note of the President of the General Assembly.

At their core, both documents recognize the fundamental premise of R2P, as outlined in the World Summit Outcome, and the need to situate it within a real-world context so as to bring the concept to life. The Secretary-General's report, for instance, places the R2P concept within the workings of the United Nations framework and puts forward excellent recommendations for taking it forward. My delegation thus looks forward to the Secretary-General continuing his good work, including his proposals for an early warning capability.

As for the concept note of the President of the General Assembly, it positions R2P within existing international instruments and obligations and puts forward a compendium of issues that discussions on R2P should address if it is to become a functioning norm rather than just an academic notion.

Indeed, those documents and the debate that we are having are just the beginning of our discussions on how to implement R2P. There can be no going backwards; we can only go forward. It is clear that fears and doubts about R2P still persist.

However, it is also clear that those doubts are not insurmountable. As Noam Chomsky explained during the informal interactive dialogue yesterday, the consensus underlying R2P is not a new one. We are all united behind our fundamental desire to protect innocent people and to prevent another Rwanda and Srebrenica. What we need is to discuss R2P openly and frankly within the General Assembly. That is critical to making progress. However, in order to have such open and frank discussions, all sides must recognize a few key points.

First, it is critical that our discussions not be reduced to the simplistic dichotomy of States on one side insisting on absolute sovereignty and, on the other side, R2P proponents demanding that States surrender absolute sovereignty. I am particularly struck by the reference on page 7 of the Secretary-General's report to R2P being the ally of sovereignty, not its adversary. Certainly, the corollary to sovereignty is national responsibility and ownership. Moreover, all States should be prepared to promise that they will build strong domestic norms and institutions to protect their people from heinous crimes, such as genocide. As responsible members of the international community, how can we Member States ask for anything less from each other? And, as citizens of our own respective countries, how can we expect anything less from our own Governments?

Correspondingly, the international community must also be prepared to support national efforts with resources and assistance, and only if absolutely necessary should the international community be ready to intervene. Here, we can draw inspiration from the shining example set by the African Union in recognizing that other countries cannot be indifferent in the face of impending atrocities.

Secondly, the concept of R2P must be applied without political bias or hidden agendas. If the responsibility to protect is to become an international norm that can deter impunity and thus prevent such crimes, it cannot be tarnished by suspicions of domestic agendas or, worse still, political grandstanding. I say that because, since 2005, there have been efforts by some to misuse the concept of R2P by applying it to situations that are clearly outside its scope. For instance, some have tried to link R2P to humanitarian access in the wake of natural disasters. That is patently unhelpful.

The General Assembly must continue its work on R2P to define clear parameters for when a situation is or is not an R2P issue. In fact, countries that have concerns about R2P should welcome having the General Assembly continue its work on R2P precisely because that will lessen the opportunity for subversion and abuse. As long as the R2P concept remains hazy

and undefined, it will remain up for grabs and open to manipulation.

Thirdly, and perhaps most importantly, the judgement of whether a Government has failed in its responsibility to protect must be taken by the international community without fear or favour. All countries must be open to being judged and all situations being acted upon according to the same standards. As the President of the General Assembly said during his opening remarks yesterday, the rules must apply in practice equally to all Member States. That must be made clear in any discussion or decision on R2P.

What I have just described is only the start. The real challenge is how the United Nations will translate the principles of R2P into action on the ground. The Secretary-General's recommendations on pillars one and two are an excellent start. However, it is clear that there are some concerns over pillar three, and those will have to be discussed further.

In particular, with regard to pillar three, we should consider the relationship between the Security Council and the General Assembly. Certainly, of all the organs of the United Nations, the Security Council is the one to respond to R2P situations. That response can and should take different forms, without necessarily resorting to the use of force.

At the same time, the General Assembly, with its broader perspective and legitimacy derived from its universal membership, must also play a role. The question then is how the two organs will interact with one another. For instance, how can the General Assembly be reassured that, in times of need, the Security Council will actually agree to act, as the Secretary-General's report says, in a timely and decisive manner?

Let us recall what happened in Rwanda 15 years ago. There was no intervention because there was resistance to defining the massacres as genocide. Worse still, the Security Council then withdrew almost 90 per cent of the United Nations soldiers in Rwanda and left behind a token force, thereby condemning many innocent Rwandans to certain death.

Hence, if we, the General Assembly, imbue the Security Council with the power to invoke R2P to justify action, the Council must also commit to exercising fully that grave responsibility. And it must do so without fear or favour. At the very least, that would entail the permanent five refraining from using the veto in relation to the four crimes. That is something that the group of five small nations has also suggested as part of its proposal for improving the working methods of the Security Council. As Mr. Chomsky noted yesterday, the success of R2P fundamentally depends on the Security Council being a neutral arbiter. Is the Security Council willing to provide that kind of reassurance to the rest of the United Nations membership? Is the Council willing to be held accountable to the General Assembly for its actions, including perhaps its refusal to act?

I may have raised some difficult issues. I also know that, in raising them, I may have upset some who would prefer that they be set aside for the time being so that the R2P concept can be adopted as a purist ideal or an abstract principle. But we cannot put aside those difficult issues, only to be confronted by them when it is too late.

In conclusion, let me reiterate that Singapore is fully committed to the concept of R2P and to participating constructively in our future discussions so as to ensure that there is real meaning to the phrase "never again".

For those Member States that have doubts, we hope that they will engage with an open mind so that we can all work together to address their concerns. We ask other supporters of R2P to take this issue seriously, not just as another trophy to hang on the wall or another term to be bandied around.

If there is to be progress on R2P, it must be through a real process of debate, discussion and commitment among us all, doubters and supporters alike.

Ms. Espinosa (Ecuador) (*spoke in Spanish*): I wish to thank and congratulate the President for convening this debate, and through him the Secretary-General for the report (A/63/677) he introduced on 21 July. I also thank the President for his communication of 17 July. We also congratulate him on organizing yesterday's interactive discussion, which benefited from the presence and experience of eminent panellists.

My delegation associates itself with the statement made by Ambassador Maged Abdelaziz, Permanent

Representative of Egypt, on behalf of the Non-Aligned Movement.

Ecuador attaches great importance to the role of the United Nations in establishing a world order based on respect for international law, the norms and principles set forth in its Charter, and the promotion and respect for human rights and international humanitarian law.

In its recently adopted Constitution, our country establishes as a principle for the coexistence of its people the need to respect human rights and to fight for their fulfilment. Our Constitution has an entire chapter of guarantees, among which protection is given particular priority.

Ecuador does not take the responsibility to protect lightly because, although the concept is based on humanitarian action, it is also true that it must be implemented pursuant to premises that do not undermine the guarantees and sovereignty of States.

My delegation has carefully studied the report of the Secretary-General and firmly believes that there is no body other than the General Assembly to consider this very important matter, especially given its political and legal implications. Likewise, in the light of statements made over the past two days, it is clear that we need a deep and sustained discussion on both the conceptual and the operational aspects of this mechanism. There appears to be no clarity or agreement on the political and practical implications of the responsibility to protect.

We believe that some of the proposals in the report belong to negotiations in other areas, such as, for example, disarmament, sanctions, Security Council reform, humanitarian assistance and international cooperation, among others. It is therefore important to take the results that have already been reached in those discussions into account.

It is crucial to ensure that the three pillars be addressed in a balanced manner. As to pillar one, the concept of sovereignty and the implications of any form of intervention can be subject to no interpretation that differs from that established under international law. We believe that other bodies, such as the Human Rights Council, the Peacebuilding Commission and the United Nations system overall, must be taken into account as instruments for implementing the responsibility to protect. We are pleased that the report fully respects and limits itself to the mandate set forth in paragraphs 138, 139 and 140 of the 2005 World Summit Outcome Document (resolution 60/1).

With respect to pillar two, my delegation would have appreciated a more detailed explanation of the implications of military assistance. We also note with concern that, in paragraphs 45 to 47, the issue of development assistance is linked to possible conditionalities with regard to the responsibility to protect. It is important to take into account that any sanction or economic embargo that directly impacts the survival and well-being of innocent civilians cannot be, under any conceptual framework, an acceptable measure.

Another issue calling for greater information and analysis is that of the creation of an early warning system. It is important to take into account existing prevention mechanisms of the United Nations system and of regional and subregional organizations.

With regard to pillar three, we are aware that it is the most complex of all, since it invokes the Security Council as the authority on the matter. We believe that history confirms the role that the Security Council has played in past years in cases such as Rwanda or Cambodia. We must accept that, unfortunately, it has not been an objective, effective and impartial actor, and that its working methods have not had the desired transparency and neutrality. It is therefore legitimate to ask whether the Security Council, with its current composition and decision-making mechanisms, should be the authority responsible for military interventions for humanitarian protection purposes or whether deep, comprehensive reform of the Council should take place first, enhancing its legitimacy and effectiveness.

Thus, so long as there is no full clarity on the conceptual scope, normative parameters or the actors involved, we cannot take any decision committing our States with regard to the application of this concept. That does not mean, of course, that our Organization should remain silent in the face of crimes such as genocide or ethnic cleansing. We must act, but we should do so in strict compliance with international law and its principles of non-intervention and respect for sovereignty, and within the framework of normative agreements and clear policies that completely eliminate discretionality, unilateralism and double standards.

We have seen that it is indispensable to move forward with a constructive dialogue on this delicate

matter, which covers all the dimensions and implications of the responsibility to protect. Today, Ecuador has expressed its initial concerns. We hope to deepen this dialogue in the future.

Mr. Muñoz (Chile) (*spoke in Spanish*): I thank the President for convening this meeting. I shall refer to some key aspects of the report of the Secretary-General entitled "Implementing the responsibility to protect" (A/63/677), which we welcome.

First and foremost, with regard to the surprising references to ideologues known for their animosity towards the United Nations and for calling into question the legal value of the 2005 World Summit Outcome Document (resolution 60/1), I prefer to rescue legal tradition and cite the distinguished jurist Sir Ian Brownlie, himself cited, among others, by Mr. Noam Chomsky yesterday morning. In the fourth edition of his book *Principles of Public International Law*, Brownlie says that "The final act or other statement of conclusions of a conference of States can be a form of multilateral treaty". I would add that, in all cases, it can be considered to be a source of international law. Moreover, the practices of political bodies, such as this General Assembly, whose resolutions are not binding have, according to Brownlie, "considerable legal meaning". It should be recalled that the Outcome Document, as my colleague from Ecuador noted, was adopted by the General Assembly as resolution 60/1.

Of course, this debate is not an academic or legal discussion. It is a political debate with moral underpinnings and thus deals with the practical and consensual implementation of the concept of the responsibility to protect (R2P). My delegation expresses, in the framework of the varying positions within the Non-Aligned Movement, its decided commitment to the responsibility to protect, the solid foundation for which was laid down by the heads of State and Government in paragraphs 138 and 139 of the World Summit Outcome, and which cannot be selectively addressed or revised.

The Secretary-General's report is helpful in transforming the responsibility to protect into an operational concept. The report captures the essence of the ongoing discussion in such a way that it can be summarized in a single phrase — three pillars and four crimes. The pillars are, first, the protection responsibilities of the State; secondly, international assistance and capacity-building; and thirdly, timely and decisive response. In parallel, the four crimes covered by the responsibility to protect are genocide, war crimes, ethnic cleansing and crimes against humanity, as well as the incitement of those crimes. In other words, the responsibility to protect is not triggered by just any human rights violation or international humanitarian tragedy.

The discussion of R2P has been plagued by distortions and myths. There are those who visualize the concept as limited to one pillar — actually, half of one pillar — dealing with Security Council action under Chapter VII. Essentially, however, the responsibility to protect is an appeal to States to resolve on their own the serious aforementioned human rights situations. That is the first key pillar of the responsibility to protect. It ultimately refers to the State, which has the duty to protect its people regardless of whether they are citizens or foreign nationals.

The modern State assumed the explicit responsibility to protect its population under the Geneva Conventions, the Charter of the United Nations, the Universal Declaration of Human Rights and various conventions related to the crimes of genocide, forced disappearance and torture, inter alia. In other words, the State's responsibility to protect is based on long-standing obligations arising from international law. In short, it is nothing new. It is the correct interpretation of Article 2.7 of the Charter, which led the United Nations to act — albeit belatedly — against South Africa and its apartheid regime.

Thus, it is the State itself that has the capacity to trigger most of the components of the responsibility to protect. The State should be alert to the first signs of intolerance, ethnic hatred or human rights violations that could lead to genocide or any of the other three serious crimes. Only when the State itself is unable to deal with a humanitarian crisis should the second pillar — international assistance to help States shoulder their obligation to protect, or before conflicts erupt — come into effect, thus playing at best a complementary role, as stated in the Secretary-General's report. A preventive approach could include international mediation or good offices, as well as initiatives to promote reconciliation.

The third pillar of R2P is timely and decisive response. Obviously, the world leaders at the 2005

World Summit were not thinking only about the use of force — an option that, we all agree, is an extreme measure of last resort. In that connection, paragraph 139 of the Outcome Document is forceful, but also cautious. It refers to peaceful measures that could be taken under Chapters VI and VIII. That is why I said that some emphasize half of one pillar, because we are talking here about pillar three under Chapters VI and VIII.

For example, under Article 34 of the Charter, the Security Council could send a mission to investigate "any situation which might lead to international friction", as has occurred in cases of mass atrocities that have caused, inter alia, serious tensions with neighbouring countries, cross-border violence and forced international migrations. Non-peaceful collective action requires at least two operational conditions to be met: action on a case-by-case basis and only if peaceful means are inadequate and national authorities are manifestly failing to protect their populations from genocide and the other three crimes. In such a scenario, the heads of State or Government declared, they are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII.

It is clear that the collective imperative is not to intervene, but rather to take any timely and decisive action that the international community deems appropriate under the Charter. In the world leaders' Outcome Document, there is no automaticity, there are no triggers and there is no implied green light for the use of force. Chile, at least, cannot accept that.

Regional organizations should play a more proactive role when it comes to the third pillar of the responsibility to protect. Given their geographical proximity, regional and subregional organizations are better placed to detect possible mass human rights violations in a timely manner. Perhaps that is why, in 2000, the Constitutive Act of the African Union, adopted in 2000, declares in its article 4 (h)

> "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect to grave circumstances, namely: war crimes, genocide and crimes against humanity".

The heads of State and Government agreed that we should continue the discussion in the Assembly on the responsibility to protect and its implications. One element for our consideration could be the development of the second pillar — discussing a strategy or plan of action for preventing the four crimes through cooperation with countries requesting it.

The establishment of an early warning capability would have to be a relevant component of any prevention policy. As the Secretary-General's report indicates, information itself is rarely the missing ingredient when it comes to genocide and the other three crimes. The point is how such information could be qualitatively improved and shared and assessed by the relevant institutions. In that connection, we agree that more coherence is needed in the sharing of information already available in the United Nations system so that the competent bodies can take timely decisions. We also agree that a first step towards an early warning capability is the Secretary-General's proposal that the work of his Special Adviser on the Responsibility to Protect be combined with that of his Special Adviser on the Prevention of Genocide.

In addition, we believe that a prevention strategy could include the promotion of democracy. Democracies, despite their imperfections, tend not to commit atrocities such as the four mass crimes. Therefore, mechanisms such as the United Nations Democracy Fund, the Rule of Law Coordination and Resource Group and the democratic governance programme of the United Nations Development Programme should be strengthened to provide support for democratic governance to countries requesting it.

I wish to conclude with some thoughts about Latin America. For nearly 200 years, the countries in my region endured the pax Americana, with pre-emptive military operations and regime changes. Thus, the principle of non-intervention became crucial to the nations of Latin America and other developing countries, in accordance with other principles, such as respect for human rights and universal values, enshrined in the Charter of the United Nations and in those of regional organizations. During the cold war, many countries of Latin America — including my own — endured repressive dictatorships that committed crimes against humanity. The Nixon Administration actively contributed to the tragedy in my country, while others, both in the North and in the South, remained conspiratorially silent.

During the 1980s, dictatorships gave way to restored democracies. The legacy of extrajudicial killings, abductions of political prisoners and torture continues to torment Latin American societies with its consequences. Those of us who were victims know how it was. Our Governments felt caught between a rock and a hard place. Most Latin American leaders wanted to explore a better alternative to the dilemma of having to choose between inaction, on the one hand, and unilateral external intervention, on the other, to stop a humanitarian catastrophe. In other words, the morality of legitimacy had to be reconciled with international legality.

R2P is the balanced formula we were looking for, and prevention is the best way to save lives and allocate scarce resources to other causes, such as peacebuilding or the fight against poverty.

We are aware that any altruistic concept may be abused by the powerful. We know this from experience. Although they might seek to legitimize interventions that have little or nothing to do with — in this case — the four major crimes, the misuse of a concept does not invalidate it. Selective application of R2P is evidently a risk; yet no principle has withstood the test of application in a perfect or flawless manner and, in any event, principles lose credibility precisely when they are applied in a self-serving or partisan way.

We are also aware that, as several colleagues have mentioned, any permanent member of the Security Council can veto a resolution proposing coercive action against a given State to protect local populations from the four mass atrocities. Of course, there is — again, as others have already stated this morning — always the possibility, if the Security Council does not exercise its primary responsibility of maintaining peace and security, of convening the General Assembly in accordance with resolution 377 (V), entitled "United for peace".

In any case, it would be morally and politically wrong to conclude that because the international community cannot act perfectly everywhere, it should not act anywhere. That would be like saying that because the United Nations cannot resolve every problem in the world, it should cease to exist.

Finally — and I will conclude with this — we must reintroduce the issue of morality into our discussion. International inaction in the face of genocide, such as in Rwanda or Srebrenica, is not acceptable. But this is not an issue that solely concerns countries that have suffered humanitarian tragedies, as has sometimes been suggested. That would be limiting the problem to a subcategory of countries. The challenge of humanitarian protection is a global one. Raising our voices in the event of such crimes helps, but it is the bare minimum required. The international community must move from words to action, in the sensible and prudent way outlined in the Secretary-General's report, reconciling, as I have said, the morality of legitimacy with international legality.

Mr. Loulichki (Morocco) (*spoke in French*): My delegation welcomes this opportunity to continue to contribute in its modest way to this debate on the responsibility to protect. Today, we would like to share some additional considerations to complement the statement made on behalf of the Non-Aligned Movement by the representative of Egypt.

The presentation by the Secretary-General of his report on implementing the responsibility to protect (A/63/677) and our very animated and interesting debate yesterday have shown that the matter has received much interest, support and engagement. But that presentation and this debate have also shown that there are questions remaining with respect to, among other things, the implications of this responsibility, its scope of application, the bodies that will have the responsibility to implement it and the criteria and conditions for its implementation.

The mandate and the scope of application of this new — and also old — paradigm are not yet well-defined, which gives rise to certain apprehensions and legitimate worry that a mismanaged operationalization of this concept could spin out of control or that its implementation might actually harm the noble objectives that underpin it.

The responsibilities of States, the General Assembly and the Security Council in implementing the responsibility to protect constitute a broad field for exploration. Finally, the legal and political nature of the concept has not yet been addressed.

As to the application of this concept as an additional basis for reviewing States' performance in terms of the respect and preservation of human rights, in particular within the framework of the universal periodic review mechanism of the Human Rights Council, it does not seem appropriate to us inasmuch as the unique and well-defined nature of the

responsibility to protect puts it outside the scope of application of that new mechanism. It could even be dangerous, because injecting it into this mechanism, which remains fragile because it is so new, could damage the mechanism's credibility and viability.

The same call for caution applies to United Nations peacekeeping efforts. The fact that the report mentions it under pillar two as an example of the use of international military means could blur the lines between peacekeeping and peace imposition, and throw into doubt the fundamental and founding principles of peacekeeping: the consent of the parties, the use of force in legitimate defence and impartiality. In this context, it is important to point out that the defensive mandate authorized by the Security Council does not call these three principles, which are the core of the legitimacy of United Nations action, into question.

A clear distinction has been established between the responsibility to protect and what is called the right to humanitarian intervention. The responsibility to protect has also been limited to four categories of crime: genocide, war crimes, ethnic cleansing and wars against humanity. These two facts have enabled progress in Member States' consideration of this principle.

The debate initiated today must be pursued so that we can deepen our thinking in a calm atmosphere and experience and lessons learned can be considered in order to gradually build the foundation of this humanitarian principle.

If we are to make progress towards a consensus on implementing the responsibility to protect, I believe that we cannot just confine ourselves to saying that this responsibility is based on the United Nations Charter. In the same way, we cannot say that it is an international legal norm created instantaneously upon its adoption by a particular summit. It seems to me that it would be difficult, from a political or moral point of view, to use that to establish international legal obligations for all Member States.

That said, my delegation remains committed to making every effort, along with other delegations, to move towards a consensus that could strengthen the implementation of the responsibility to protect. In order to make progress towards such a consensus, it is important that this responsibility be fleshed out on the basis of the many common elements of the primary and indispensable responsibility of States to protect, which is the first pillar, and the need for the international community to assist States and build capacities in that regard, which is the second pillar. Meanwhile, we must continue to think in a concerted way about the third pillar.

In that context, Morocco remains ready to devote itself to moving this discussion forward, helping to eliminate misperceptions and concerns, and promoting the emergence of a universal consensus that would reflect an effective commitment on the part of the international community to the responsibility to protect.

Ms. Blum (Colombia) (*spoke in Spanish*): Colombia has taken note of the report of the Secretary-General on implementing the responsibility to protect (A/63/677). We recognize the importance of the issue and of the ultimate objective of promoting actions and means to strengthen the security and protection of people.

The definitions set out in the 2005 World Summit Outcome Document (resolution 60/1) form an essential framework for the consideration of this topic. Its scope should not be the subject of renegotiation. The 2005 Summit focused on the idea of the responsibility to protect in the event of four specific crimes and acts. Genocide, war crimes, ethnic cleansing and crimes against humanity are extremely grave acts. Member States agreed to address those crimes and acts on the basis of norms and principles of international law. Colombia reaffirms its commitment to the definitions and criteria set out in resolution 60/1, which express the political will of the United Nations.

My delegation has noted with interest the structure proposed in the report regarding the three pillars that can support the implementation of the responsibility to protect: the protection responsibilities of the State; international assistance and capacity-building; and timely and decisive response. While the Secretary-General believes that there should be no specific sequence of the three pillars and that all should be equally solid, it is undeniable that, depending on the circumstances, they can have varying degrees of importance.

Mr. Monthe (Cameroon), Vice-President, took the Chair.

The responsibility of every State reflects one of its essential functions — ensuring the protection and

security of its inhabitants. To that end, strengthening national capacities acquires particular importance. Greater capacity is required in such areas as strengthening the rule of law, developing norms and mechanisms to enhance the enjoyment of rights, preserving democratic institutions and popular participation, modernizing State security and defence institutions so that they can more effectively carry out their constitutional protection mandates, and strengthening judicial systems to deal with impunity. Those capacities are also enriched through the full exercise of freedom of opinion, the role of civil society, the development of assistance programmes for victims, and the rebuilding of social networks affected by violence.

In all of these areas, international cooperation is of great significance and value, as are the State's openness to scrutiny and international oversight concerning human rights, including that carried out by United Nations agencies and human rights bodies. Openness and cooperation, offered in a constructive and objective manner, provide opportunities to help strengthen protection actions taken by States.

International cooperation also makes a positive contribution when it promotes fulfilment of the obligation to address criminal phenomena having a transnational impact. In that connection, the eradication of the illicit trade in weapons, ammunition and explosives; the elimination of the production, use and transfer of anti-personnel mines; the fight against the world drug problem; and the common front against terrorism and money-laundering are only some of the areas requiring joint action by States. Coordinated international action against those problems is essential to ensure that protection strategies throughout the world are effective and lasting.

Colombia agrees with the view that an appropriate understanding of the responsibility to protect should be an ally, not an adversary, of national sovereignty. The international community should offer its solidarity and sustained support for national actions that enhance protection, while respecting the principles of sovereignty and non-intervention, as well as the rule of law.

With regard to the third pillar of the responsibility to protect — timely and decisive response — the World Summit indicated the appropriate kinds of actions and legal frameworks. The purposes, principles and provisions of the Charter of the United Nations and other relevant norms of international law, including specific international treaties, form the legal framework for the General Assembly's constructive discussion on the responsibility to protect in the event of the four defined crimes.

Even in specific situations in which international action is undertaken through the Security Council, Chapter VII of the Charter identifies mandates and procedures for the maintenance of international peace and security. That framework makes it possible to avoid decisions or situations that might end up undermining the legitimacy of the concept.

With regard to preventive action, it is clear that early warning systems, referred to in the World Summit Outcome Document, should be developed on the basis of a professional, objective and prudent approach. Reliable information, collected without bias or selectivity and analysed in a technical and neutral manner, is of particular importance in that regard. In the specific context of prevention, it is important to highlight the responsibility of the United Nations and regional organizations to make diplomatic efforts and promote peaceful processes furthering that essential objective.

Colombia will continue to contribute to the discussion on this issue, which, we hope, will be carried out with the broad participation of Member States. We highlight the role that the General Assembly should continue to play in considering the responsibility to protect to determine its scope and jointly define follow-up actions.

The main challenge is to ensure a common understanding of the concept and its implementation framework. The dialogue that began today should contribute in a constructive and consensual manner to furthering that aim, as well as to the implementation of the definitions agreed upon at the World Summit.

Ms. Shalev (Israel): Israel welcomes the report of the Secretary-General on implementing the responsibility to protect (A/63/677) and the opportunity to engage in a candid exchange of views on that important topic. The report offers a variety of proposals and tools for the international community to confront the menacing threats of genocide, war crimes, ethnic cleansing and crimes against humanity. It is essential to carefully explore those approaches and the

various challenges that they present in order to develop a consensus on how to best implement the concept.

As a people that has witnessed first hand the horrors of perhaps the most terrible genocide in the history of humankind, we understand the moral imperative that States must not stand by in silence as their fellow human beings suffer terrible crimes and atrocities. From the Holocaust to Rwanda, from the killing fields of Cambodia to Srebrenica, not only has the global community's failure to act enabled genocide, war crimes, ethnic cleansing and crimes against humanity, but we have too often turned a blind eye to such events.

As the Secretary-General's report emphasizes, we must understand that these grave crimes do not take place in a vacuum. Those who plan and execute such brutal acts do so in a calculated and intentional manner. As such, today's report correctly discusses the issue of incitement. The international community must never take comfort in the seemingly empty nature of words. The crimes that the responsibility to protect seeks to guard against do not begin with wholesale slaughter. That is how such crimes are completed.

Genocide, war crimes, ethnic cleansing and crimes against humanity all begin in the minds of men. They all begin by inciting blind hatred against a group, a tribe, a race, a religion or a nation. Teaching peace and tolerance and eliminating incitement to hatred remain critical elements in overcoming these evils, and investing in education and conflict prevention is therefore likely to diminish the chances that such crimes will be perpetrated.

The Secretary-General's report rightly stresses that we must fully understand and be able to recognize the warning signs of such crimes so that we can prevent the seeds of conflict from sprouting into full-scale violence. Such work will naturally involve capacity-building, field and comparative studies, strategic planning and the sharing of good practices, but a core challenge is to turn political will into resolute and responsible deeds. The responsibility to protect lies primarily in enhancing existing tools and mechanisms, rather than in creating them anew.

We should acknowledge the link between development and security, as well as the importance of a strong civil society. We can move beyond immediate crisis responses in order to develop partnerships with regional and subregional bodies that are well positioned to sound early warnings, mediate conflict and, if need be, act to protect the innocent.

Today's debate reflects the growing consensus that the gravest crimes, wherever committed, can be viewed as a global injustice. At the same time, however, it also reflects the need to candidly discuss the complex challenges presented by the responsibility to protect and to address the shortcomings involved in its implementation. Among these challenges is the need to reach agreement on relevant guidelines and the appropriate threshold for response: If the responsibility to protect is to develop into an effective means that offers true protection from the most serious of crimes, we must also ensure that it does not become a political tool for exploitation and abuse.

Israel looks forward to a fruitful and constructive discussion that would promote progress and agreement on this important topic.

Mr. Sangqu (South Africa): My delegation welcomes the report of the Secretary-General on implementing the responsibility to protect (A/63/677) and expresses its appreciation for the elaborate and balanced manner in which the Secretary-General approached this important concept.

At the outset, South Africa agrees with the Secretary-General's observation that this concept can be developed only under the auspices of the United Nations and in full compliance with the principles and purposes of the Charter of the United Nations. We therefore welcome this debate and assure the Secretary-General of our support.

It is also imperative that this debate remain within the General Assembly to ensure the maximum transparency and participation as we develop guidelines on the implementation of the responsibility to protect (R2P). This approach is especially important if the concept is to be accepted and respected throughout the world.

Lieutenant General Roméo Dallaire concludes in his account of the Rwanda genocide, *Shake Hands with the Devil: The Failure of Humanity in Rwanda*, that

> "at its heart, the Rwandan story is the story of the failure of humanity to heed the call for help from an endangered people. ... The international community, of which the [United Nations] is only a symbol, failed to move beyond self-interest for the sake of Rwanda. While most nations agreed

> that something should be done, they all had an excuse why they should not be the ones to do it. As a result, the [United Nations] was denied the political will and material means to prevent the tragedy".

In sum, the tragic events in Rwanda were allowed to take place as a result of indifference.

These events still loomed large in the year 2000 when the drafters of the Constitutive Act of the African Union wrote article 4 (h), which declares the Union's right to "intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity" — a decision also known as the principle of non-indifference. Five years later, the United Nations defined the concept of the responsibility to protect in paragraphs 138 to 140 of the 2005 World Summit Outcome Document (resolution 60/1).

As a founding member of the African Union and its Constitutive Act, South Africa also agrees that we as the United Nations should never again exhibit the indifference that was shown in the face of the Rwandan genocide, nor should we allow national interests to prevent us from responding to situations where States are manifestly failing to protect their populations from genocide, ethnic cleansing, crimes against humanity or war crimes.

Turning to the specifics of the report of the Secretary-General, my delegation is of the opinion that it is a balanced report and a good starting point for this debate. In particular, we support the Secretary-General's limited approach to the 2005 consensus and his conclusions that the responsibility to protect should not be applied to disasters other than the four identified crimes. In other words, it is not applicable to HIV and AIDS, climate change, natural disasters and so on.

Pillar one identifies the responsibility to protect as part of a State's sovereign responsibility towards its citizens and focuses on how a State's sovereignty could be strengthened in this regard. The Secretary-General concludes that it is the responsibility of all States to protect their citizens from these four crimes regardless of their level of development. All States should develop internal conflict resolution mechanisms and institutions through which disputes can be addressed through dialogue in a timely and fair manner. South Africa supports this concept, which is also a cornerstone of the African Peer Review Mechanism, a system introduced by the African Union to improve governance with the aim of achieving political stability and socio-economic development in Africa.

In pillar two, the Secretary-General addresses the international community's commitment to assisting States to meet their obligations, either bilaterally or through regional and subregional organizations. Pillar two includes elements of great importance to developing countries, such as development assistance and capacity-building with regard to conflict prevention and management.

South Africa has long been a proponent of the inextricable link between development and security. Security will never be sustainable without socio-economic development; likewise, development cannot be achieved without sustained security and political stability. More importantly, these goals are achieved not in isolation, but in States' partnership with each other.

Failure to implement the aforementioned two pillars may give rise to systemic conflictual situations, which may in turn create in States conditions in which these crimes can be perpetrated. Failure to implement the measures identified in the first two pillars may therefore undermine the capacity of States and the international community to respond timeously to prevent the four crimes from being initiated and perpetrated. In turn, that will result in failure on our part to implement our responsibilities under the Charter of the United Nations, which establishes security and development as the two primary goals of the Organization.

Our work here at the United Nations is aimed at achieving sustainable socio-economic development and security for all. The preamble of the Charter states that, at the United Nations, we are determined

> "to unite our strength to maintain international peace and security, and ... to employ international machinery for the promotion of the economic and social advancement of all peoples".

In other words, we should seek development and security as a matter of course in pursuit of the promotion of human dignity for all our people, especially the most vulnerable.

Pillar three addresses the response of the international community when a State is manifestly

failing to protect its citizens from genocide, crimes against humanity, war crimes or ethnic cleansing. The Secretary-General quite correctly states that there are a myriad of instruments at the disposal of the international community to utilize in response to such circumstances. Indeed, the Charter of the United Nations identifies many of them, such as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and resort to regional and subregional arrangements, including, but not limited to, action by the Security Council, to name but a few.

Importantly, this pillar also provides for collaboration with regional and subregional organizations under Chapter VIII of the Charter. We believe that the United Nations should continue to strengthen its relationship with and the capacity of regional organizations, in particular the African Union, as such organizations obviously have the advantage of being closer to situations and can deploy more swiftly than the United Nations.

It is our view that the need for the development of the concept of the responsibility to protect is a result of the failure of the United Nations — especially the Security Council — to prevent genocide, war crimes, crimes against humanity and ethnic cleansing. The Council has too often illustrated its weaknesses in that regard. The Council should carry out its mandate in the interest of the well-being of all humankind, and not only on a selective basis as determined by narrow self-interest.

Let us not forget that the deplorable and dehumanizing system of apartheid in South Africa was declared a crime against humanity — which is one of the four crimes identified in R2P — by the General Assembly. And yet the question of South Africa attracted three simultaneous vetoes every time it was put to the vote in the Security Council.

In addition, history is also strewn with examples of the abuse of the Council's power or the power of one or two individual powerful States over weaker ones. Those examples reflect misuse of the concept in order to justify unilateral military action and flagrant abuse of military might in lieu of the sovereignty and territorial integrity of States.

That abuse and failure illustrate the tension that exists between the international community's responsibility to protect the people we represent, on the one hand, and narrow national interests, on the other. That is why our delegation agrees with the Secretary-General that the General Assembly needs to develop guidelines for response, including the curtailment of the veto, when considering issues related to these four crimes and needs to enhance the capacity of the United Nations to respond decisively and timeously.

This debate is only the start of the process. There are many questions that the General Assembly needs to ask, consider, debate and answer. We need to work in a transparent and inclusive manner towards the development of modalities and an implementation framework for R2P. We need to move the debate forward and start to engage on the specifics of the concept.

South Africa agrees with the Secretary-General that his report and this debate should contribute to the building of consensus among ourselves as to how to take this concept to the point where it can be implemented. My delegation stands ready to participate in and contribute to such a process.

Mr. Álvarez (Uruguay) (*spoke in Spanish*): This is the first time that the General Assembly has met to formally discuss the topic of the responsibility to protect since it was agreed upon by consensus in the Outcome Document (resolution 60/1) of the 2005 World Summit of heads of State or Government. Therefore, it is the responsibility of the General Assembly to carefully, seriously and respectfully study the issue and the reference text. In that connection, we agree with some of the comments made earlier by the representative of Chile regarding the legal validity of the 2005 World Summit Outcome.

We also recognize the momentum that the Secretary-General gave to the interpretation of the decision of the heads of State or Government through his report issued a few months ago (A/63/677). We hope that that document will be the point of departure for a process of seeking an understanding among all Member States on what it means to operationalize the responsibility to protect within the United Nations. In that regard, we should like to make a few specific points regarding the document submitted by the Secretary-General.

The decision unanimously adopted at the highest level in 2005 was an enormously important step, and, despite the fact that nearly four years have passed since then, our commitment has remained firm. That is why

we believe it is important to express Uruguay's continued support for that agreement.

The principle of the responsibility to protect is clearly and specifically limited to four kinds of mass atrocities: genocide, ethnic cleansing, war crimes and crimes against humanity. Any attempt to extend this concept to other cases or to associate it with other ideas would be outside the scope of the agreement reached in 2005.

The responsibility to protect rests primarily and above all with States, on the basis of their sovereign nature. This accompanies the principle that such sovereignty should be exercised in a responsible manner.

When the 2005 Document states, in its paragraph 139, "bearing in mind the principles of the Charter and international law", that means respecting basic principles such as the sovereignty and territorial integrity of States, non-intervention in the internal affairs of other States and indeed the legal equality of States. Those principles, so precious and deeply rooted in Uruguay's foreign policy, are essential to the peaceful coexistence of nations.

Furthermore, the message that we sent in 2005, which remains strong, represented a step forward towards the dedication of the human conscience to forms of civility that place respect for life, integrity and dignity at the core of its values. In 2005, we said no to indifference and no to a repetition of the tragic episodes of the past, whose details continue to move us.

Now that this report has been submitted, a process of seeking ways to move forward towards the implementation of this principle should begin. The General Assembly should be a key actor in that process. The broadest possible base of support is important not only to attain a high level of legitimacy, but also to create greater commitment among all actors potentially involved in such implementation.

Taking as a framework the ideas set out in the report, the General Assembly has a very clear role to play regarding the first two pillars described by the Secretary-General, in particular the second: international assistance and capacity-building for the State in question.

There is a major space for the United Nations, together with regional and subregional organizations, to work to build national and regional capacity not only in responding to mass atrocities but above all in relation to prevention and early warning.

Similarly, better use should be made of the system's existing capacities. For example, we should bear in mind the role that the Peacebuilding Commission could play as a representative intergovernmental body of Member States which has been doing major work in early recovery, assistance to consolidate the rule of law and the promotion of economic and social development in post-conflict situations. Together with policies regarding development cooperation and policies adopted by the Human Rights Council, these activities are the most effective preventive instruments that the international community and the United Nations have for achieving their ends.

Pillar three, timely and decisive response, is the most sensitive since, ultimately and in extreme situations, it would imply the use of force to prevent or halt any of the four atrocities. Although the Security Council has the primary responsibility to act in case of breach or the threat of breach of international peace and security, the General Assembly should not be underestimated or marginalized in the debate on the development of this pillar.

Clearly, this discussion is very important so that we can listen to one another and begin to know our likely points of convergence, our concerns and our reservations. But beyond that, a crucial issue is what we do from now on within the formal framework of the United Nations. What is the role that the Member States as a whole will play in the process that should be initiated in order to develop and implement this principle?

We are aware that we have major differences about what the responsibility to protect can and should be for the United Nations. But that should not prevent us from acting. Rather, it should make us redouble our efforts to seek the greatest level of understanding possible.

For an issue such as this one, and given the commitment that has been made, I do not think that we should simply await the reports periodically issued by the Secretary-General, to welcome them or merely take note of them. Beyond that and beyond what other agencies and programmes of the system do, bearing this principle in mind, the General Assembly, the

Organization's most representative forum, should have its own mechanism to seek agreement on this issue.

Mr. Christian (Ghana): At the outset, let me commend the President of the General Assembly for convening this series of meetings. My delegation welcomes the report of the Secretary-General (A/63/677) which provides a very balanced analysis and an objective basis for States members of the General Assembly to consolidate the dialogue on the way forward in ensuring the effective implementation and exercise of the responsibility to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing or the incitement to commit these crimes. The responsibility to protect is embodied in paragraphs 138, 139 and 140 of the 2005 World Summit Outcome Document (resolution 60/1), in which world leaders unequivocally pledged that we accept that responsibility and will act in accordance with it.

Hence, this debate should not be about renegotiating the concept, which has already been negotiated and agreed in the Outcome Document. Instead, the primary focus of our ongoing dialogue must be on how to garner the needed collective political will to act and take concrete measures at the national, regional and international levels towards the prevention of those four crimes. Nonetheless, we cannot fail to continue to promote a comprehensive and common understanding of the raison d'être or essence of the responsibility to protect, which partly informs Ghana's support for the concept and its inherent and intrinsic value.

Former Secretary-General Kofi Annan, whose role in the adoption of the concept Secretary-General Ban Ki-moon cites with approval, gave the following rationale for the responsibility to protect in New York on 20 March 2008, when he received the MacArthur Award for International Justice:

> "In the past, when a conflict arose essentially within the borders of one country, it was more or less axiomatic that the people of that country have to be left to deal with it on their own. For anyone else to get involved was considered an intolerable interference in the domestic affairs of a sovereign State. As far as the rest of the world is concerned, the State — which meant, in practice, whoever was in control of the State at that particular moment — was perceived as the sole legitimate representative of the people in that country. If those in control of the State used it to attack other people within the country and trample on their rights, those other people had no one to appeal to. The rest of the world could look the other way and not feel responsible.
>
> "Fortunately, today, we have come to see things differently. Today we see State sovereignty not as an absolute good in itself but as an instrument — albeit a very important one — which has value only in so far as it is used to protect human life, to ensure respect for human dignity and to uphold human rights. Sovereignty, in other words, should be seen not as a privilege but as a very heavy responsibility. It cannot be de-linked from the obligation that every State has to protect its people. The State was now widely understood as a servant of its people, and not vice-versa. Only when it is exercised in that spirit, with due respect for the fundamental human rights and dignity and worth of the human person — as proclaimed in the Charter of the United Nations — will sovereignty be recognized by all as credible and legitimate."

To ensure the effective implementation of the responsibility to protect at the regional level, it is imperative that the United Nations more actively support regional and subregional organizations such as the African Union and the Economic Community of West African States (ECOWAS) in the implementation of legally binding regional instruments they have adopted for the prevention of genocide, war crimes and crimes against humanity. Based on our bitter experience with violent conflicts and civil wars on the continent of Africa, the Constitutive Act of the African Union enshrined a careful and delicate balance between the principle of non-interference and the principle of non-indifference. Article 4 (h) of the Constitutive Act confers on the Union the right to intervene in a member State pursuant to a decision of the African Union Assembly of Heads of States and Government in respect of grave circumstances, namely genocide, war crimes and crimes against humanity. Article 4 (j) further confers on member States the right to request intervention from the Union in order to restore peace and security.

The Protocol relating to the establishment of the Peace and Security Council of the African Union,

which has been elevated retroactively to the status of a provision of the Constitutive Act, states that the African Union Peace and Security Council can recommend to the Assembly of Heads of States an intervention on behalf of the Union in a member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments.

The Peace and Security Council Protocol reinforces the Constitutive Act by going further in defining the situations that will trigger an intervention, including cases where there are massive violations of human rights or where the situation threatens regional or neighbouring States. Similar provisions can be found in the Protocol relating to the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Regional Security and in instruments adopted by countries of the Great Lakes region.

The United Nations and the rest of the international community must support ongoing efforts by the African Union to implement regional instruments in the context of which the Union has requested international assistance to complement the operationalization of the African Union Standby Force arrangement.

My delegation believes that in the context of the responsibility to protect, prevention must be given top priority. As the framers of the Convention on the Prevention and Punishment of the Crime of Genocide observed with respect to cases of genocide, for example, it is often too late to save the population who are victims of a massacre. They therefore urged that more attention be focused on the prevention of incitement to genocide and ethnic cleansing. It is thus imperative for the United Nations to support the early warning mechanisms embodied in the New Partnership for Africa's Development (NEPAD) and its Action Plan and in the African Peer Review Mechanism. The Mechanism, to which Ghana was the first to voluntarily subscribe, aims at consolidating good democracy, developing a strong, vibrant and free civil society and media, ensuring respect for human rights and the rule of law and promoting national integration and non-discrimination, the equitable distribution of national resources and the enhancement of our capacity for good governance. Experience has shown that the absence of such standards have contributed in no small measure to the civil wars that have ruined many countries emerging from conflict. Ghana thus attaches great importance to the Peer Review Mechanism and the rule of law and has indicated its willingness to submit itself to a second peer review as soon as possible.

The United Nations should support the elaboration and implementation of the African Union framework for post-conflict reconstruction and development in order to promote regional ownership of peacebuilding processes on the continent. Its success will no doubt enhance the work of the United Nations Peacebuilding Commission. The Peacebuilding Commission is already developing the capacity to gather data on lessons learned in countries emerging from conflict. The possibility of strengthening its early warning capacity must be explored by Member States, acting in concert with the Secretary-General. More support for early warning mechanisms by other regional organizations, such as those adopted by the AU and the Economic Community of West African States, will be needed.

It is recalled that in its resolution 57/337 of 3 July 2003, entitled "Prevention of armed conflict", the General Assembly stressed the need to bring to justice the perpetrators of war crimes and crimes against humanity as a significant contribution towards the promotion of a culture of prevention. The role of civil society in the fight against impunity and in advancing the responsibility to protect will continue to be critical going forward. If the United Nations system is to be effective in lending assistance in the area of capacity-building and in forging cooperation between the United Nations and regional organizations at the national and regional levels, then an improvement in coordination and coherence among United Nations agencies will also be essential in ensuring the success of the implementation of the responsibility to protect.

There has been on occasion a discernible tendency to discuss R2P only in terms of the hindsight gained from lessons learned from the mistakes of our recent experiences and the foresight to prevent their repetition in the future. Regrettably, the ongoing conflicts in many parts of the world, including Africa, give us insights into the present — but conveniently forgotten — reality that we, the international community, continue to lack the needed political will and a common vision of our responsibility in the face of massive human rights violations and humanitarian

catastrophes occasioned by conflict, as mentioned in the Secretary-General's report of 2003 (A/58/323).

Ghana believes that the responsibility to protect is a reaffirmation of our faith in the dignity of the human person and a tool for the realization and fulfilment of the promise and potential of the Charter of the United Nations. Perhaps it would be a good idea for the Secretary-General to submit to the General Assembly proposals for a global strategy or plan of action for the implementation of R2P.

I wish to end by paying a special tribute to Mr. Edward Luck, Special Adviser to the Secretary-General on R2P, as well as Mr. Francis Deng, Special Adviser to the Secretary-General on the Prevention of Genocide, for leading a broad consultative process involving all Member States and civil society groups, the results of which have been well reflected in the Secretary-General's report. Ghana looks forward to continuing the dialogue towards effective implementation.

Mr. Takasu (Japan): The responsibility to protect (R2P) was formally agreed by the United Nations in the 2005 World Summit Outcome (resolution 60/1). This concept has now begun to spread globally. For instance, international calls saved many lives in the post-election violence in Kenya. However, conflicts and serious human rights crises continue unabated. We therefore thank the Secretary-General for his initiative to present an important report (A/63/677). R2P needs to be better understood, strongly supported and properly implemented. We need to underline three principles that frame our discussion.

First, we should not re-open the agreement in the 2005 World Summit Outcome. R2P should apply to the four specified crimes: genocide, war crimes, ethnic cleansing and crimes against humanity. What we should do is properly implement and consolidate that agreement. We should not enlarge the scope of R2P to include overall threats to humanity such as poverty, pandemics, climate change and natural disasters.

Secondly, in implementing R2P, the international community should make every possible effort through diplomatic, humanitarian and peaceful means. When the use of force is inevitable as a last resort, it must be exercised in accordance with the Charter.

Thirdly, R2P is an evolving concept. We need to be guided strictly by the agreement contained in the World Summit Outcome and proceed prudently, fully respecting the fact that the United Nations is an intergovernmental organization consisting of sovereign States.

On behalf of a country that promotes human security, I feel obliged to explain the clear distinction between human security and R2P. They each have a different basis in the World Summit Outcome. The purpose of human security, as agreed in paragraph 143 of the Outcome Document, is to enable all individuals to be free from fear and want and to enjoy all their rights and fully develop their human potential. Thus, the use of force is not envisaged in this concept. The focus of human security is how to prevent and empower. The human security approach, aimed at empowering individuals and strengthening their resilience, will serve as an effective means of prevention from various threats to human development.

On the other hand, the purpose of R2P, as agreed in paragraphs 138 to 140 of the World Summit Outcome, is to protect populations from the four most serious types of crimes. The situation contemplated by R2P is a crisis in which an individual is threatened by the worst types of crimes to an extreme degree. The focus of R2P is therefore how to help States to protect populations from such crimes, including timely and decisive response.

When the General Assembly considers a strategy to implement R2P, we need to fully reflect its basis as agreed in the World Summit Outcome. We need to focus our discussion on core issues directly related to protection from the specified serious crimes.

Pillar one is that the responsibility to protect populations lies first and foremost with the State. This is the most important pillar. In order to protect from the four most serious crimes, each State needs to establish good governance and the rule of law. To that end, it is vitally important for States to become parties to international human rights and humanitarian law and the Rome Statute. We support every effort to universalize these legal instruments. The Rome Statute is particularly important because it identifies the responsibility of individual perpetrators of those serious crimes. We regret that only 11 nations have acceded to the Rome Statute of the International Criminal Court since R2P was agreed. We urge non-members to accede to the Rome Statute. We

should also ensure compliance by States parties in taking the necessary domestic measures.

Compliance by non-State actors with these legal instruments is equally important to protect populations. The Security Council in recent decisions has reminded non-State actors of their responsibilities. We should address the growing impact of non-State actors.

Pillar two is that international assistance and capacity-building are important for the protection from the four most serious crimes. We agree on the importance of detecting signs of problems that might later turn into serious crimes. These must be addressed and resolved at an early stage.

The measures listed under pillar two, however, seem to be wide-ranging and somewhat overstretched. We need to prioritize the measures to be considered as core R2P issues. We should focus on assistance and capacity-building that have direct links with R2P as defined in the World Summit Outcome, such as rule of law, security sector reform — military, police and judiciary — and protection of human rights.

Pillar three is that if States manifestly fail to protect their populations from the specified crimes, the international community should act in a timely manner. The international community should use, initially, diplomatic, humanitarian and other peaceful means. If those means are inadequate, collective action will be necessary to protect populations. When implemented with the consent of host countries, such action is most effective and unwanted damages will be minimized. Efforts to obtain consent should therefore be pursued to the fullest extent.

However, if the most serious crimes continue and if consent is not forthcoming, collective coercive measures will be considered. It is extremely important — essential — that such collective action be taken by the Security Council, in accordance with Chapter VII of the Charter. Under these ultimate circumstances, we believe that each Council member fulfils the responsibility entrusted to it by the entire membership. Moreover, we also recognize the respective roles of the General Assembly, the Human Rights Council, the International Criminal Court and other international tribunals.

Japan welcomes this very important debate. We also support continued consideration of this issue by the Assembly to promote this important concept.

Mr. Palouš (Czech Republic): The Czech Republic would like to align itself with the statement delivered previously by the Permanent Representative of Sweden on behalf of the European Union.

Let me begin by commending the efforts of the Secretary-General and his contributions to today's debate. We warmly welcome the recent report of the Secretary-General on implementing the responsibility to protect (A/63/677), introduced on 21 July (see A/63/PV.96). Moreover, we also deeply value the recent work by the Secretary-General and his Special Adviser, Edward Luck, to enhance this concept, as well as the holding of this long-awaited debate. We recognize that the present debate is an important step in the process of the implementation and operationalization of the responsibility to protect.

The doctrine of the responsibility to protect, as expressed in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1), outlines the concept and acknowledges the collective responsibility to protect populations worldwide. Accordingly, each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

The concept of the responsibility to protect, as reiterated by the report of the Secretary-General, rests on three pillars — the protection responsibilities of the State; international assistance and capacity-building; and timely and decisive response — emphasizing that the structure of the responsibility to protect relies on the equal importance, strength and viability of those supporting pillars.

At the same time, the report is also explicit and strict on the scope of the concept: it is narrowly focused on the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity and cannot be used to address all social, environmental and other problems. Furthermore, the Secretary-General's report affirms that the purpose of the responsibility to protect is "to build responsible sovereignty, not to undermine it" (*A/63/677, para. 13*). Responsible sovereignty entails the building of stable institutions, good governance and compliance with international humanitarian law and human rights obligations. We very much welcome this balanced approach. However, as reiterated by the Permanent Representative of Sweden, the scope of the concept of the responsibility

to protect should be kept "narrow, and the range of possible responses deep" (*A/63/PV.97*). In that regard, the engagement and role of civil society and non-governmental organizations is of no less importance. Their active contribution to prevention and the protection of populations is especially indispensable in the first pillar.

The concept of the responsibility to protect is fully consistent with the principles that lie at the heart of the United Nations, namely promoting and encouraging respect for human rights and fundamental freedoms for all without distinction. Since the 2005 World Summit Outcome, the concept of the responsibility to protect has been widely embraced by scholars and academics, who have in recent years been laying foundations for the concept to move forward. It is now widely understood that the international community must do its best to prevent future occurrences of hideous crimes against human beings.

The credibility of the United Nations depends on its ability to act effectively to prevent and halt mass atrocities. An important step towards this goal is to develop a firm United Nations strategy and practices for the responsibility to protect, in order to avoid the misuse of the concept.

The Czech Republic welcomes and supports the way forward suggested in the report of the Secretary-General, and particularly his emphasis on the responsibility of States themselves and the importance of early prevention. Today's debate should mark the beginning of our common efforts.

In conclusion, allow me to quote the Secretary-General:

> "The task ahead is not to reinterpret or renegotiate the conclusions of the World Summit, but to find ways of implementing its decisions in a fully faithful and consistent manner." (*A/63/677, para. 2*).

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation welcomes this General Assembly debate on the responsibility to protect. It is a very good opportunity for Member States to exchange views on the concept.

The responsibility to protect is a new concept that emerged at the beginning of this century. The 2005 World Summit Outcome (resolution 60/1) gave a very prudent description of the responsibility to protect. The Outcome Document strictly limited the scope of application of the responsibility to protect to four serious international crimes: genocide, war crimes, ethnic cleansing and crimes against humanity. However, experience in the past few years shows that there is still controversy over the meaning and the implementation of the concept. This General Assembly debate will help Member States to come to a clear understanding in search of a greater consensus.

China would like to state its preliminary views on the meaning and implementation of the responsibility to protect, as follows.

First, the Government of a given State has the primary responsibility to protect the citizens of that country. The international community can provide assistance, but the protection of the citizens ultimately depends on the Government of that State. This is in keeping with the principle of State sovereignty. Therefore, the implementation of the responsibility to protect should not contravene the principle of state sovereignty and the principle of non-interference in the internal affairs of States. Although the world has undergone conflicts and deep changes, the basic status of the purposes and principles of the Charter remains unchanged. There must be no wavering with regard to the principles of respect for State sovereignty and non-interference in the internal affairs of States.

Secondly, the concept of the responsibility to protect applies only to the four international crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. No State should expand the concept or interpret it in an arbitrary manner. It is imperative to avoid abuse of the concept and to prevent it from becoming a kind of humanitarian intervention.

Thirdly, when a crisis involving one of the four crimes occurs, alleviating and containing it will be a universal concern and legitimate demand of the international community. However, the action taken must be in strict accordance with the provisions of the Charter and show respect for the views of the Government and regional organizations concerned. The crisis must be addressed within the framework of the United Nations, and all peaceful means must first be exhausted. No State must be allowed to unilaterally implement R2P.

Fourthly, when such a crisis requires that the United Nations respond, the Security Council has a role to play, but it must make judgements and decisions

tailored to specific circumstances and must act prudently. Here, it must be pointed out that the responsibility entrusted to the Council by the Charter is the maintenance of international peace and security. The prerequisite for Council action is the existence of any threat to the peace, breach of the peace or act of aggression. The Security Council must view the responsibility to protect in the broader context of maintaining international peace and security and must take care not to abuse the concept.

Fifthly, with regard to early warning and assessment, the General Assembly and the Security Council need to consider further whether there is a need to establish a mechanism in that area. If there is such a need, it is imperative that the information gathered be neutral and reliable to ensure that the assessment procedure is fair and transparent and to prevent double standards or politicization regarding the issue at hand.

Thus far, the responsibility to protect remains a concept and does not constitute a norm of international law. Therefore, States must avoid using the responsibility to protect as a diplomatic tool to exert pressure on others. The issues of whether the responsibility to protect can be universally accepted by States and whether it can be effectively implemented need to be further explored within the United Nations or the relevant regional organizations.

We note that Member States continue to have divergent views on the concept of the responsibility to protect; interpretations differ with regard to its many specific ramifications. The General Assembly must continue to engage in discussions on the concept based on the 2005 World Summit Outcome Document. We are open to such discussions and prepared to communicate with others in the interest of forging a universal consensus on issues related to the implementation of the responsibility to protect.

Mr. Daou (Mali) (*spoke in French*): I should like to join preceding speakers in warmly congratulating the President of the General Assembly on the convening of this important debate on the responsibility to protect. I also wish to commend the Secretary-General for the quality and relevance of his report (A/63/677), which is part of the momentum launched by heads of State or Government at the 2005 World Summit when they unanimously agreed to give an operational dimension to the responsibility to protect.

The ferment caused by the report certainly shows the great interest of the international community and Governments in the imperative need to seek ways and means to protect the world from mass atrocities and terrible human tragedies such as those that have marked our recent history. The human conscience will no longer tolerate or resign itself to the grave events and massive human rights violations represented by genocide, war crimes, ethnic cleansing and crimes against humanity. In other words, this debate is a real opportunity to reaffirm our shared commitment to continuing the work begun by our leaders nearly four years ago.

My delegation has studied very closely the report of the Secretary-General on implementing the responsibility to protect, which is based on the following three pillars: the protection responsibilities of the State, international assistance and capacity-building, and timely and decisive response.

As regards the first pillar, my delegation believes that the responsibility to protect rests, first and foremost, with every State, as stressed in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1). Indeed, every State has the obligation to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. From that perspective, it is important to emphasize, inter alia, respect for and the promotion of human rights and democratic principles, the rule of law and good governance.

As far as the second pillar is concerned, my delegation also reaffirms its full support for the principle of building the capacities of States and of regional and subregional mechanisms for conflict prevention, management and settlement through increased assistance from the international community.

In that regard, the establishment of early warning mechanisms at the national, subregional, regional and international levels to assess factors that can affect peace and security and to provide regular information will make it possible to prevent crises and take appropriate measures to contain the risks of crisis and conflict. Also part of this approach are efforts to build the capacity of national institutions and mechanisms for mediation, conciliation, dialogue and the resolution of conflicts and internal disputes.

My delegation notes with satisfaction that the first two pillars pose fewer problems, because everyone recognizes that the protection of populations from the aforementioned crimes proceeds from the exercise of State sovereignty and respect for legal obligations undertaken at the national, regional and international levels.

As far as the third pillar is concerned, paragraph 139 of the 2005 World Summit Outcome Document highlights the role of the international community within the framework of the United Nations: to favour diplomatic, humanitarian and other appropriate peaceful means to help protect populations from mass crimes and atrocities.

Certainly, the coercive measures called for in Chapter VII of the Charter of the United Nations in the event of failure on the part of a State are now raising many questions about the modalities for their implementation and the power vested in the Security Council with respect to the use of force, including the deployment of a preventive military force.

My delegation believes that discussion on the third pillar must continue in the General Assembly. We also welcome the fact that the United Nations has shown a preference and a commitment in favour of dialogue and peaceful persuasion. For Mali, the best way to protect is to prevent.

To conclude, the delegation of Mali associates itself with the statement made yesterday by the representative of Egypt, who spoke on behalf of the Non-Aligned Movement.

Mr. McNee (Canada): I would like to thank the President of the General Assembly for convening this important debate. Canada warmly welcomes the Secretary-General's report (A/63/677) and its recommendations on implementation of the responsibility to protect. It is appropriate that this year's debate coincides with the fifteenth anniversary of the Rwandan genocide and the thirtieth anniversary of the end of the Khmer Rouge genocide in Cambodia. These tragedies were compounded by the fact that the world had witnessed mass atrocities before, including the Holocaust, which led to the promises of "Never again".

As we reflect on the events of the past, we need to consider how we can finally ensure that the mistakes of the past are not repeated in the future. The past hundred years have witnessed the killing of civilian populations on a wider and more systematic scale than ever before, including the slaughter in Bosnia, Rwanda, Cambodia, the Democratic Republic of the Congo, the Sudan and elsewhere. In Rwanda alone, the horrific events of 1994 claimed nearly a million lives as neighbours turned on neighbours.

The genocides of the twentieth century raised difficult and indeed disturbing questions about the world we live in, about responsibility and accountability, and about our common humanity. These events prodded the international community to look deeply at how we conduct international affairs. Non-interference in sovereign affairs is a fundamental pillar of inter-State relations. But we asked ourselves: What are the limits of non-interference? What is the nature of a State's responsibilities to its people? When is passive observation no longer a reasonable response for the international community?

We need to put accountability squarely on national Governments to protect their populations. Governing comes with that obligation. All world leaders agreed on this principle in 2005 in the World Summit Outcome Document (resolution 60/1). It specified that when a State manifestly fails to protect its citizens from genocide, war crimes, crimes against humanity and ethnic cleansing, the international community has a subsidiary responsibility to protect them.

However, that does not absolve the international community from responsibility. People do not lose their inherent human rights because the State cannot or will not ensure them. The international community must take action against genocide, war crimes, ethnic cleansing and crimes against humanity. We all share in this responsibility to protect.

Canada welcomes the Secretary-General's report, which suggests ways to implement prevention and intervention efforts, and applauds the work of the Secretary-General to bring more systematic attention to this issue. We acknowledge the report's focus on not only the lens of intervention but also, and first, that of protection. This focus seeks to help States to succeed, not just to react upon failure. Canada believes that we can make the most substantial impact by focusing on operationalizing prevention, which we believe is key to ensuring that genocide and incitement to genocide do not occur.

Let us all be reminded, however, that if prevention fails, the response should be a collective one, and the Security Council has important responsibility to bear in this area.

(*spoke in French*)

Looking forward, we have a most useful contribution to make. We have at our disposal a sophisticated normative legal framework based on international law. However, ongoing work is required to deepen and broaden consensus on our collective responsibility, monitor situations where civilians may be at serious risk of armed attack and ensure that practical actions and protection strategies are employed where they are effective and most needed. We can respond more quickly to early indications that situations are deteriorating. We can bring more diplomatic heft to these cases, engage sooner and send stronger and more coherent messages.

This approach involves strengthening existing mechanisms within the United Nations, such as the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide and the role of the Special Adviser to the Secretary-General on the responsibility to protect. It also involves putting in place early warning mechanisms and monitoring situations where civilians may be at serious risk. Such preventive measures could include monitoring the media, including for incitement of genocide and of other crimes.

The international community needs to understand how it can contribute to reducing the tensions that feed racial, ethnic or religious hatred and intolerance in societies. By consciously assessing the schisms in societies and taking them into account more heavily in development programming, we can do better.

Each Member of the United Nations has a role to play in ensuring that those who commit serious violations of international human rights and humanitarian law are brought to justice. Canada takes this obligation seriously. In May, the Superior Court of the Province of Quebec convicted Désiré Munyaneza on seven charges for acts committed during the 1994 Rwandan genocide, including rape as an act of genocide, a crime against humanity and a war crime.

In conclusion, we know that the road ahead of us is long. Much work remains to be done on operationalizing norms. But with the goodwill of the States represented here today, we can continue to demonstrate that we are serious about protecting citizens from genocide and other serious crimes.

Ms. Nworgu (Nigeria): The Nigerian delegation welcomes the Secretary-General's report entitled "Implementing the responsibility to protect" (A/63/677) as a useful basis for continuing the dialogue on ways and means to ensure the implementation of the responsibility to protect.

It was in response to the genocide in Rwanda, the massacres in Srebrenica, Cambodia's killing fields, ethnic cleansing in Kosovo, the Holocaust and other events that in 2005 world leaders solemnly affirmed that "each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (*resolution 60/1, para. 138*). They agreed that the international community should assist States to enhance their capacity to exercise their responsibility to protect. They also agreed that when a State is manifestly failing to protect its population from those four crimes, the international community has the obligation to take collective action in a timely and decisive manner through the Security Council and in accordance with the United Nations Charter. That commitment, made under paragraphs 138 and 139 of the World Summit Outcome, was later reaffirmed by the Security Council in paragraph 4 of its resolution 1674 (2006).

The Secretary-General's report is therefore a step in the right direction towards implementation of the vision set out by our leaders in 2005. The report's three-pillar approach, consisting of the protection responsibilities of the State, international assistance and capacity-building and timely and decisive response, is drawn from the equally three-pronged agreement of the world leaders, as encapsulated in paragraphs 138 and 139 of the Outcome Document. Those paragraphs can be said to constitute the authority within which Member States, regional and subregional arrangements and the United Nations system and its partners can seek to give a doctrinal, policy and institutional life to the responsibility to protect.

The concept of the responsibility to protect is not new, since it is based on international humanitarian and human rights law. Its essence is captured under article 4 (h) of the African Union Constitutive Act.

Certain instruments adopted and actions taken by countries within the West African subregion under the auspices of the Economic Community of West African States (ECOWAS) could be considered as precursors of the responsibility to protect. For example, the ECOWAS Monitoring Group interventions and other diplomatic initiatives helped to stop decisively the carnage in certain countries in the subregion and to rescue trapped populations. The ECOWAS subregion has, in addition, developed other frameworks such as the ECOWAS Regional Action Plan to combat illicit drug trafficking and Moratorium on the Importation and Exportation of Small Arms and Light Weapons in West Africa. In order to make it legally binding, the Moratorium has been transformed into a convention, which is expected to come into force in the near future.

The ECOWAS subregion is divided into four early warning zones for the purpose of detecting brewing crises and taking preventive action. The United Nations Office for West Africa has been collaborating with the States in the Community individually and collectively in this regard.

ECOWAS also supports civil society groups such as the West African Action Network on Small Arms and Light Weapons and the West Africa Civil Society Coalition on the Responsibility to Protect, because a strong civil society is fundamental to the consolidation of the rule of law. ECOWAS established the West African Civil Society Forum as a platform to engage civil society. The West Africa Network for Peacebuilding has a memorandum of understanding with ECOWAS to strengthen the region's early warning systems. The West Africa Civil Society Institute works to build the capacity of civil society to engage on policy issues at the regional level. The Institute serves as the focal point on the responsibility to protect in West Africa.

Nigeria has played and continues to play a leading role in the peaceful resolution of conflicts within the West African subregion. At the domestic level, the Nigerian Government has taken steps to strengthen democracy and the rule of law. Through national dialogue and through interfaith and intercultural programmes, harmony is promoted and incitement is discouraged or prevented. We remain actively engaged in peacekeeping operations around the world. In consonance with the notion of sovereignty as responsibility, we believe that emphasis should be placed on prevention rather than on intervention.

We therefore welcome the Secretary-General's emphasis on the need for the international community to assist States with capacity-building in the areas of the rule of law, good governance and security sector reform, among other areas, to enable national Governments to exercise their responsibility to protect and not to wait for States to fail in this responsibility and then intervene when it may be too late. To that end, we call on the United Nations and the international community to support the implementation of the African Union framework for post-conflict reconstruction and development, which is intended to prevent countries emerging from conflict from relapsing into conflict, thereby complementing the work of the Peacebuilding Commission.

We call on the Secretary-General to elaborate further on some of the tentative proposals and recommendations in his report. There is a need for assistance for regional organizations such as the African Union to implement the responsibility to protect, which is already enshrined in its Constitutive Act, and therewith further its principle of non-indifference.

We also call for the strengthening of the Mechanism for Conflict Prevention and Early Warning System in ECOWAS and the African Union, including the New Partnership for Africa's Development, with emphasis on conflict prevention, good governance and the promotion of peace and security.

Equally important is the need to support the African Peer Review Mechanism, under which countries voluntarily submit themselves to scrutiny by regional neighbours to see if they are meeting benchmarks for good governance and addressing the root causes of conflict, such as lack of rule of law, respect for human rights and good governance, and which is also aimed at strengthening popular participation in governance at the grass-roots level.

This important debate should not have the effect of rolling back, weakening or undermining the 2005 consensus, but should rather aim at strengthening that commitment to ensuring the more effective implementation of the responsibility to protect. In this regard, my delegation supports the retaining of this item on the United Nations agenda and looks forward to participating constructively in the dialogue within

this Assembly and in the United Nations system as a whole towards operationalizing the concept of the responsibility to protect.

Mr. Bui The Giang (Viet Nam): I would like to start by thanking the President of the General Assembly for his persistent efforts to solicit views from a broad range of sectors in preparation for this series of plenary meetings. I thank the Secretary-General for his report on the responsibility to protect (R2P) (A/63/677), which attests to his tireless endeavours to take into account a vast spectrum of diverse and even conflicting views on this topic.

My delegation associates itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement.

With the adoption of the World Summit Outcome (resolution 60/1) in 2005, the international community at its highest level accepted for the first time a key instrument on R2P, a concept which has been an actual part of the life of humankind for a long time, yet had not been made official until then. With that adoption, we now do not have to discuss whether R2P is necessary. Also, as the Outcome determines in a clear-cut manner the four crimes — genocide, war crimes, ethnic cleansing and crimes against humanity, and nothing else — that are subject to R2P, we do not have to struggle to define the scope of this concept. In this context, we share the view of other delegations that the report represents excellent grounds for discussions on how to render the Outcome Document operational today, when conflicts continue to spread and escalate in many parts of the world, making R2P more imperative and urgent than ever before.

We could not agree more with the Secretary-General in his comment that "the responsibility to protect, first and foremost, is a matter of State responsibility" (*A/63/677, para. 14*). This is unambiguously in line with paragraph 138 of the Outcome Document, which confirms that "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity". We are grateful to the world's top leaders for their wisdom in asserting in paragraph 138 that "the international community should, as appropriate, encourage and help States to exercise this responsibility".

The Secretary-General is absolutely right in dividing this encouragement and help into four forms of assistance in his report. In other words, the international community and the United Nations system have a very critical role to play in helping countries concerned, including through political mediation, peacekeeping operations, the provision of assistance and capacity-building. Recalling the first and foremost responsibility of the State in R2P, let me add that such international assistance can be most effective when it is based on engagement and cooperation with the States in question.

Therefore, given the diverse interpretations of paragraph 139 of the Outcome Document, we believe that one or two qualifiers must not be singled out as more important than the others. It is necessary to equally emphasize all five qualifiers, or components, as we perceive them: the voluntary engagement of States; the taking of timely and decisive collective action; the taking of decisions on a case-by-case basis; conformity with the Charter, including Chapter VII; and cooperation with relevant regional organizations, as appropriate.

In that context, the qualifier "timely and decisive" collective action, described as pillar three in the Secretary-General's report, requires a clear and rational definition to prevent its possible confinement to coercive military force as the only alternative. Similarly, such measures as economic sanctions and referral to the International Criminal Court should be carefully considered on a case-by-case basis, free from politicization, selectivity and double standards, before a decision is made on their enforcement. Under all circumstances, the impact of such acts on the population — particularly its most vulnerable sectors — should be the consideration of top priority.

Motivated by a comprehensive approach, we have always maintained that the best way to protect the population is to prevent wars and conflicts and to address the root causes of conflict and social tension, which are poverty and economic underdevelopment. Cultural and religious tensions must also be adequately and tactfully addressed in order to prevent the possibility of their flaring into conflicts and wars, as has been the case more than once in history.

In that connection, education and public awareness campaigns must be carried out intensively and regularly — and I emphasize the word "regularly" — rather than as a makeshift practice, particularly in remote or disadvantaged areas. We

believe that the United Nations, as the world's largest pool of experience and expertise, can and should contribute to such a process. For our part, we commit ourselves to working actively and constructively with other members of the international community to ensure its success.

Mr. Cabral (Guinea-Bissau) (*spoke in French*): Everyone, here and elsewhere, recognizes the historic nature of the 2005 World Summit. However, in addition to that aspect of the Summit, there is the fact that it resulted in the adoption of a very important document. We can consider that document an expression of the international community's awareness of what is at stake and of the real challenges facing the world. I even think it is not unreasonable to say strongly that, in 2005, the world wanted to look at itself in a mirror and to begin a kind of introspection and, indeed, to examine its conscience so that it could acknowledge that there have been serious failures in recent decades. We have all undoubtedly failed to do our duty. Somewhere along the line, we have proved negligent with regard to the human person and fundamental human rights.

In terms of its formulation and acceptance, the concept of the responsibility to protect might perhaps be new, but it was not conceived of yesterday; its inspiration is found elsewhere, including in the Charter of the United Nations. The Charter's preamble enshrines respect for the human person and respect for the fundamental rights of all human beings throughout the world. And it is because of the sincere respect that we must have for the human person that we should not even consider renegotiating the concept of the responsibility to protect, but should rather strive to put in practice the decision that was taken.

My delegation very much welcomes today's debate, because it is taking place at a time when the world is wondering about what is really at stake, the mechanisms that we should put in place, the best way to mobilize ourselves and unite our energies so that all our countries, small and large, poor and rich, can join forces and work together to ensure that never again — never again — will genocide, crimes against humanity, ethnic cleansing or war crimes be perpetrated. However, in order to do so, we must be aware of our individual and collective responsibilities.

The report of the Secretary-General (A/63/677) is clear and balanced. It is the result of substantial efforts. Above all, it is the result of an inclusive process, because those who were responsible for drafting it engaged in consultations at all levels. They consulted Member States, non-governmental organizations and civil society. In short, they consulted all stakeholders — all of us who represent the international community and who represent humanity. Thus, I should like to pay tribute to Mr. Edward Luck for having done outstanding work. I should like to commend the methodology that was used. And I hope that we all become part of a process that leads all of us — in our own place, in our own manner and at our own level — to assume our responsibility.

Of course, there are legitimate questions and there are concerns, but that should not be a pretext for slowing down this innovative movement, which responds to our sense of responsibility — our collective responsibility to ensure that these kinds of crimes — genocide, ethnic cleansing, all the evils we have denounced here — are never committed again.

The Secretary-General's report defines the pillars on which the concept of the responsibility to protect is based. The report clearly emphasizes the equivalent nature of those three pillars. First, of course, is the responsibility of the State. Such responsibility should not proceed from a notion of sovereignty in which the State, because it is sovereign, can do what it wants within its territorial limits. We must understand that, as our brother and friend Mr. Francis Deng suggests, sovereignty is primarily a matter of responsibility, because every sovereign State must be able to fully shoulder the responsibility of creating an environment conducive to the full flourishing of all its citizens.

Every sovereign State should be able to assume that sovereignty by demonstrating through good governance, democratic principles and the regular organization of free, fair and credible elections that indeed, the State exists. Every State that considers itself sovereign should also be able to participate in creating a better world by ensuring that crimes of that kind are not committed again.

Of course, there is also the international community's will to help provide those without the means, those who are deprived, with all the tools and mechanisms conducive to reinforcing their ability to implement the very sovereignty of which we are speaking. I hope that the entire United Nations system will review its mechanisms and refine existing ones.

The system should be able to bring together all the competencies in the United Nations system — skills and experience that already exist in terms of human resources — so as to make it possible for the appropriate innovative mechanisms to be established to promptly and resolutely respond to what is expected of us, namely that responsibility that falls to us all.

It has rightly been said here that issues must be raised and problems possibly brought up, but I believe that no one here has questioned the timeliness of the decision that our heads of State took in 2005. After long, detailed and painstaking negotiations, it was noted that an instrument was needed that could respond in a timely and decisive way to what we saw: the gap between what we say and our readiness to act and act swiftly.

So I would like to invite all of our colleagues here to think about how to implement that concept, which is certainly new but which will provide appropriate solutions to the questions asked but not answered. And, because they have not been addressed, those issues have triggered or contributed to the death of human beings.

I do not think we can take pride in being human beings while we neglect what is happening in other parts of the world. Crimes against humanity, genocide, war crimes and ethnic cleansing are not exclusive to any particular region. All those phenomena, all those shameful acts, can happen in any part of the world. We saw it in Cambodia. We have seen it, of course, in Africa, in Rwanda, but also in Srebenica, Bosnia. I believe that we must not be satisfied with not speaking of it again, but must have the strength, resolve and courage to act, and to act rapidly.

Like others here, I know that questions arise over the Security Council and its primary role to maintain international peace and security. Those questions arise not because we question Article 24 of the United Nations Charter, which confers that primary role on the Security Council, but because we have noted and deplored the fact that the working methods of the Security Council have not been the most appropriate in representing the General Assembly: all Member States. But that should not discourage us. As the General Assembly, as one of the primary organs of the United Nations system, together with the Security Council, we should be able to see how to implement paragraphs 138 and 139 of the 2005 World Summit Outcome. But I would like to say that nothing must deter us from our resolve to ensure that, above all, we can defend the human condition and human beings everywhere by ensuring that there are no more excuses or any further reasons for us to blame ourselves and to conclude that we could have done a lot more and a lot better and could have acted more promptly, more rapidly and more appropriately.

Each of us must understand that the responsibility to protect is not aimed at one State or another. This concept is a new instrument at humankind's disposal so that whenever necessary we can defend the human rights of men, women and children everywhere. It is a wonderful, innovative tool that honours the General Assembly, the United Nations and our humanity. And we must not engage in politicking to impede this new momentum, on which the success of our actions depends.

Unfortunately, the world beyond this magnificent Hall is watching us — those who are suffering, those who have no chance of enjoying their most basic human rights because they have been degraded, prevented from even breathing, and do not have the right to express themselves in their countries. There are many, including in Africa. And I say it here sincerely — those who are watching us today and following the debates at the United Nations must not be discouraged. In our discussions, our professions of faith and our resolve to implement that important concept of the responsibility to protect, they must find the strength to resist all schemes that would prevent them from standing up and affirming themselves as men, women and members of the community of nations.

I conclude by saying that putting into practice the responsibility to protect is to agree to a crusade against all abuse, against the denial of the most basic rights and against those who make their fellow human beings, their own citizens, suffer and wish to prevent the world from being able to live freely, express itself freely and build itself in human solidarity.

The meeting rose at 1.15 p.m.